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*cover + 3 pages sent*

Fax to: USPTO  
From: Virginia Lehman

8 September 2006

Re: Plant Patent 10/768,091

Communication to update status:

I am responding to a phone call from Janice Void of USPTO, who called and left a message that the USPTO had not received communication from me. Her message was left on 31 August 2006.

I DO NOT want 10/768,091 plant patent to be abandoned.

The last communication I received from USPTO was a notice of Fee Deficiency (attached) which I attempted to satisfy as follows.

I responded with USPTO-2038 Credit Card Payment Form (attached) on 13 April 2005.

Please see a copy of the Fax Log showing the report of the fax status of "OK", indicating it should have been received in the USPTO office.

I have received no further communication from the office until the phone call from Janice. I have been waiting for notice from the office of my next needed action.

Please contact me if any questions at cell phone: 541 936 1210, or email: [vlchman@aol.com](mailto:vlchman@aol.com), or fax at 541 451 1847.

I will attempt to satisfy any deficiencies immediately.

Thank you,

Virginia Lehman



fox 571-273-0568



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20503  
www.uspto.gov

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## NOTICE OF FEE DEFICIENCY

The informality regarding the payment of the fee is indicated below in connection with

10/768,091

- ☐ the original filing of the application and/or preliminary amendment (e.g. additional claim fees)
- ☐ the reply filed on \_\_\_\_\_, The reply is not fully responsive to the prior Office action because of the \_\_\_\_\_ following matter(s). See 37 CFR 1.111 and 37 CFR 1.135.

## FEE(S) DUE

- ☒ 1. The reply (e.g., amendment) is considered incomplete in that the funds are insufficient to cover the entire fee due. The balance\* is due within the time period set below. **\$ 385.00**
- ☐ 2. The reply (e.g., amendment) is considered incomplete in that the Credit Card payment to cover the entire fee due to \_\_\_\_\_ Account (Card type + last 4 digits ONLY) was refused. The balance\* is due within the time period set below.
- ☐ 3. The reply (e.g., amendment) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record. Remittance or authorization is due within the time period set below.
- ☐ 4. The filing fee of \$ \_\_\_\_\_ submitted in this application is insufficient. A balance of \$ \_\_\_\_\_ is due for presentation of excess claims (37 CFR 1.16(b) & (c)).
- ☒ 5. Other. **RCE Filed 11/23/04 balance due \$ 10.00.**

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due): **Applicant submitted \$385.00. The fee for a RCE is 395.00. Balance due \$ 10.00.**

APPLICANT IS GIVEN A TIME PERIOD OF ONE (1) MONTH or THIRTY (30) DAYS FROM THE MAILING DATE OF THIS NOTICE, WHICHEVER IS LONGER, WITHIN WHICH TO REMIT THE FEE. IN ORDER TO AVOID ABANDONMENT, EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

THE INDICATED AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE YEARLY ON OCTOBER 1 (37 CFR 1.16 & 1.21). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.15). BECAUSE THE AMOUNT DUE IS NOT NECESSARILY THE FEE INDICATED ABOVE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS POSTED ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

\*Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

**Darvina B. Williams**  
Legal Instruments Examiner (LIE) or Clerk of Group

Inquiries regarding this Notice should be addressed to the above at **(571) 272-0568** (insert Phone Number).

Sep-08-06 07:24A #

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Fax Log Report for  
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Apr-13-05 07:51 AM

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Last Fax

<u>Identification</u>	<u>Result</u>	<u>Pages</u>	<u>Type</u>	<u>Date</u>	<u>Time</u>	<u>Duration</u>	<u>Diagnostic</u>
15712730568	OK	03	Sent	Apr-13	07:49A	00:01:18	002582030022

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